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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,743	06/23/2000	Kenneth Vincent Gyllerstrom	10248-015	1511

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EXAMINER

CHOI, STEPHEN

ART UNIT PAPER NUMBER

3724

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/599,743

Applicant(s)

GYLLERSTROM, KENNETH  
VINCENT

Examiner

Stephen Choi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 10,23 and 25-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,9,11-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 March 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. In view of Applicant's statement regarding the information disclosure statement filed on 06 October 2000, it has been placed in the application file, and the information referred to therein has been considered as to the merits except for the references that have been already considered by the examiner in the previous office action. Such references are listed on PTO-892 of the examiner's previous office action. Attached is a copy of IDS filed on 06 October 2000.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, it is not clear what structure is set forth by "said connector assembly includes at least one post with a pin extending therefrom and a cutout for receiving said at least one post". Claim 14 recites a head-engaging element, which appears to be including the pin and the cutout to be formed as a single piece with a biasing element. It is not clear what elements are included in the connector assembly.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 9, 11-14, 19-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawes et al. (US 6,311,400).

Hawes discloses all the positively recited elements of the invention including:

- a) a handle (e.g., 1);
- b) a shaving head carrying at least one blade with at least one cutting edge (e.g., 2);
- c) a connector assembly comprising a head-engagement and a handle engagement element (e.g., 14, 15, 15A, 20, 24);
- d) a biasing element (e.g., 18, 23);
- e) a projection (e.g., 9).

***Allowable Subject Matter***

6. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the specific limitations that recites at least one insertion element and at least one cutout shaped and dimensioned to receive the at least one insertion element so as to allow movements of the shaving head toward and away from the handle, and forward and backward about an axis parallel the cutting edge are not anticipated or made obvious by the prior art in the Examiner's opinion. For instance, Hawes shows a shaving head exhibiting movements toward and away from the handle, and forward and backward about an axis parallel the cutting edge. However, Hawes does not teach at least one insertion element and at least one cutout shaped and dimensioned to receive the at least one insertion element so as to allow the shaving head to exhibit such movements.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-9, 11-22, and 24 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the Applicant's argument regarding the restriction argument, the examiner respectfully disagrees. Claims 25-37 do not appear to read on the elected species. For example, claim 25 calls for a device not having a separate connection element which appears to indicate that a cartridge-engaging element is a part of the handle and not a separate element as shown on Species A and claim 33 calls for elements directly coupling of the shaving head to the handle which also appears to

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indicate that a head-engaging element is a part of the handle and not a separate element which can be detached from the handle as shown on Species A. Species D shows a cartridge-engaging element/a head-engaging element being a part of the handle. Furthermore, claims 38-39 calls for a step of increasing the size of the hole, which appears to indicate that such a step could be performed on an exiting hole having a smaller size hole. The apparatus of Group I can be made without such a step. It can be manufactured with a specific size without the step of increasing the size of the hole.

**Conclusion**

10. This action is made non-final.
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilder '354, Oswald et al. '786.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

sc  
May 15, 2002

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700